

## PLANNING BOARD MINUTES

September 14, 2015

### **Call The Meeting to Order**

Chairman Stephen Johnson called the meeting to order at 7:00 P.M. in the Town Hall Auditorium. Present at the meeting were, Robert Fowler, Nancy Reed, Vincent Fratalia, Director of Community Development Steve Sadwick and Recording Secretary Dawn Cathcart. Keith Anderson was not in attendance.

### **(A) Approval of Minutes – July 13, 2015**

**MOTION** - Mr. Fratalia made a motion to approve the July 13, 2015 Planning Board minutes with one correction; on page 5, 1<sup>st</sup> motion, delete “or open space” from the motion. The motion was seconded by Mrs. Reed and unanimously voted 4-0.

### **(B) Committee Reports/Administrative Actions**

#### **(B1) Committee Reports**

Mr. Johnson stated the public hearing for the Town Center Master Plan will be held at the Senior Center at 7:30 PM tomorrow night.

Mrs. Reed stated that the Local Housing Partnership met last week and discussed housing issues such as veterans housing.

#### **(B2) Frasier Lane – Land Disturbance Permit Exemption Request**

Arnie Martel, Dick Cuoco, Jim Hanley and Attorney Ed Foleman appeared for the Land Disturbance Permit Exemption Request for Frasier Lane.

Mr. Johnson stated that last time this was on the agenda this was a public hearing. They are now requesting a permit exemption request, which is an administrative action, not a public hearing but he will let residence speak on the topic. Mr. Johnson stated that there are three possibilities on how the Board can handle this request. They can approve the exemption, which has been the typical response when it is requested. They can require that the applicant apply for the Land Disturbance Permit and they can deny the request. A denial would kill the project and he personally would not vote for that. There is also a question that this subdivision may be grandfathered.

Attorney Foleman stated that the applicant is seeking an exemption from the bylaw. This subdivision was approved in 2002. The storm water management system was vetted through the federal, state and local levels. Mr. Martel bought the project in 2014 and the land disturbance bylaw did not go into effect until 2007.

Mr. Hanley stated that this subdivision had a MEPA review when it was approved. The road is mostly complete and the lots were roughed in. There are approximately twenty lots left to develop. They estimate the project to be complete in twelve to twenty-four months. Mr. Cuoco stated that storm water features were installed prior to Mr. Martel buying the project. They have checked all the applications and some mitigation has been done. Silt fences have been installed to protect silt going into the wetlands. Mr. Hanley stated that the OMPs were done and inspections have been occurring.

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Mr. Fowler stated that the heart of the complaints bother him. He knows the laws in regards to blasting and knows that the law is being enforced in this area. He has personally heard the horns five minutes before the blasting and then the one minute horn. Prior to any blasting, a pre-survey is done within the required radius. The applicant had a seismograph in the area during the blasting and it didn't show anything. There was no noise and the holes were covered with blast mats to prevent dust and debris leaving the hole.

Mrs. Reed asked if every permit that is required is in place. Mr. Sadwick replied yes. Mrs. Reed stated that she believes this land disturbance permit would be redundant with all the other permits already issues.

Mr. Fratalia stated that there has been a lot of gossip about this project and he understands some of the frustration with the neighbors but this project was approved and all permits are in place. The land moving and clearing is part of the process to develop the subdivision.

Mr. Johnson stated that a meeting was held with the neighbors prior to this meeting and asked what the outcome was. Attorney Foleman stated that it was a productive meeting and an array of issues were brought up. We agreed to limit heavy machines including blasting and pounding to Monday through Friday 7:00 AM to 5:00 PM. They have agreed to hose down the area to help prevent dust. They have agreed to notify two residents in advance as the point of contacts, Ms. Stratus and Mr. Cohen by email when blasting will be occurring. Mr. Johnson asked that the gentleman with PTSD also be notified. Mr. Martel stated that this notification will be for blasting only. They will still work on Saturday but there will be no blasting. Mr. Martel added that if the residents let him know five days in advance of a special event, he will try to work around the event. Mr. Martel stated that he has set up a meeting with the residents for Wednesday at 6:00 to do a site walk.

Donna Pelczar of 387 Trull Road – Ms. Pelczar stated that the subdivision was approved in 2001 and the Land Disturbance was approved in 2007, is it grandfathered. Mr. Johnson stated that it could be grandfathered but they are asking for an exemption. Ms. Pelczar stated that 15 years is a long time for a project to sit. Ms. Pelczar stated that the Planning Board should look to see if there is ledge before a project is approved.

**MOTION** - Mr. Fowler made a motion to grant the exemption request from the Land Disturbance Permit for Frasier Lane, LLC. The motion was seconded by Mr. Fratalia and unanimously voted 4-0.

### **(B3) 1624 Main Street, Heatherwood – As-Built/Bond Release**

Mr. Sadwick stated that the only outstanding issue was the granite curbing. Mrs. Reed stated that she is concerned because there are only two evergreen trees on site.

Mr. Fowler stated that there is a \$30,000 bond and they could release \$25,000 and ask them to come in to discuss the landscaping.

**MOTION** - Mr. Fowler made a motion to release \$25,000 of the remaining \$30,000 bond until the issues of the covered drainage pipe and additional landscaping along Main Street are addressed. The motion was seconded by Mrs. Reed and unanimously voted 4-0.

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### **(B4) 500 Woburn Street – Bond Release**

Mrs. Reed stated that she drove by the site and there are six forklifts parking in the front yard. The Special Permit was specific about no parking in the front.

Mr. Sadwick stated that he will send a letter and indicate that the Board will not release the bond until the fork lifts are removed.

Mr. Johnson stated that we could have them come before us for the next meeting.

### **(B5) Crystal Circle – Street Acceptance/As-Built**

Dick Cuoco appeared for the Crystal Circle Street Acceptance and As-Built. Mr. Cuoco stated that the Conservation Commission has issued a Certificate of Compliance. All items are addressed except the utility patch on Pinnacle Street because that has settled. This is scheduled to be fixed prior to Town Meeting. They are not requesting a release of the bond yet. Town Meeting requires the street acceptance.

Mr. Sadwick stated that the Town Engineer has sent him an email stating that the DPW has not done their final review and there is an outstanding punch list. The DPW has recommended that this not be accepted yet.

Mr. Johnson stated that we can approve it subject to DPW approval and if they have not approved it by Town Meeting they can pull back their approval.

**MOTION** - Mrs. Reed made a motion to accept the street acceptance and as-built for Crystal Circle subject to the DPW and Town Engineers final approval. The motion was seconded by Mr. Fowler and unanimously voted 4-0.

### **(C) 30 Henry J Drive, John Hunt for Paul and Susan Tucceri Family Suite Special Permit**

**MOTION** - Mrs. Reed made a motion to waive the reading of the public hearing notice. The motion was seconded by Mr. Fowler and unanimously voted 4-0.

Dick Cuoco and John Hunt appeared for the family suite special permit for 30 Henry J. Drive. Mr. Cuoco stated that this is a proposed 1,000 SF family suite with a common area. The existing driveway on the right side will be removed and a new driveway will be installed to service the main house and family suite.

The Board had no questions.

There were no questions from the audience.

**MOTION** - Mrs. Reed made a motion to close the public hearing. The motion was seconded by Mr. Fratalia and unanimously voted 4-0.

**MOTION** - Mr. Fowler made a motion to approve the family suite special permit for 30 Henry J. Drive. The motion was seconded by Mrs. Reed and unanimously voted 4-0.

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### **(D) Zoning Amendment Public Hearing for October 8, 2015 Special Town Meeting**

**MOTION** - Mr. Fowler made a motion to waive the reading of the public hearing notice. The motion was seconded by Mr. Fratalia and unanimously voted 4-0.

Mr. Sadwick stated that there is only one zoning article. This was to amend Section 3110 with additional uses in the Westside Neighborhood District. Mr. Johnson stated that this change was requested because some of the properties already had uses that the new district did not allow so this was a clean up the original article.

Mrs. Reed stated that there should be a map included. Mr. Sadwick stated that he will try to get it into the warrant before it's printed, but if not, he will have a handout for Town Meeting.

There were no questions from the audience.

**MOTION** - Mrs. Reed made a motion to recommend adoption with the inclusion of a zoning map. The motion was seconded by Mr. Fowler and unanimously voted 4-0.

### **(E) 967-969 Main Street, Chester Briggs, Trustee and Joel Deputat for the Ford Realty Trust, Chester Briggs, Tr. Continued Site Plan Special Permit, Town Center Overlay District**

Attorney Richard O'Neill, Ken Lania, Chester Briggs and Lorraine Black appeared for the continued Site Plan Special Permit, Town Center Overlay District Permit for 967-969 Main Street. Attorney O'Neill stated that the plan has been updated and submitted to the Town Engineer.

Ms. Black provided a landscape plan showing the proposed plantings on site. This plan includes magnolias, arborvitaes, red maples, hydrangeas, holly berry, rose, honey locus trees, and junipers. On the west side of the funeral home they will take out about 3' to 4' of asphalt and install evergreen trees. Mr. Fowler stated that he likes the replacement of asphalt and likes the landscaping. Ms. Black stated that they will replace the front walkway with a 6' wide concrete sidewalk.

Attorney O'Neill stated that they are proposing to upgrade the front porch area. They have received an email from the Town Engineer but haven't had time to respond. They are willing to continue until the next meeting.

Mr. Lania stated that he responded to the Town Engineer with a letter dated today. Mr. Lania stated that they will be requesting a waiver for the size of the parking spaces. The landscape plan has been provided to address the trees that will remain. The lighting will be in the landscaping as well as on the building and this will be addressed during the building permit process. They are planning to raise the backyard so that will address the topography issue.

Attorney O'Neill stated that they will be requesting waivers for the size of the parking spaces, parking spaces at a dead end, storm water management waiver and waiver from the master signage plan. A master list of waivers will be submitted next week.

**MOTION** - Mrs. Reed made a motion to continue the Site Plan Special Permit for 967-969 Main Street until October 5, 2015 at 7:20 PM. The motion was seconded by Mr. Fratalia and unanimously voted 4-0.

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### **Old Business**

#### **Wamesit Indian Park Discussion**

Mr. Sadwick stated that there were four bids that were opened on August 26<sup>th</sup>. The high bid was \$175,000 and the lowest bid was \$132,000. There is a deficit of \$40,000. They are in discussions on how to make up the difference. The Town Manager is bringing in the lowest bidder on Wednesday to discuss holding off on the bid or reduction in scope. Mrs. Reed stated that there was \$20,000 from Wal-Mart and \$70,000 in CPA funds. Mr. Fowler asked if the bid included sidewalks along Main Street. Mr. Sadwick replied he was not sure.

### **New Business**

#### **841 Main Street – Density Reduction Request**

Dick Cuoco and Hugh Fitzpatrick appeared for the density reduction request. Mr. Cuoco stated that the Planning Board approved three residential units. This is economically unfeasible due to the fire regulations. They are looking to construct one 2-bedroom unit on each floor for a total of two units. There would not be an affordable unit.

**MOTION** - Mr. Fowler made a motion to accept the change from three to two residential units as non-substantial with the understanding there would not be an affordable unit. The motion was seconded by Mr. Fratalia and unanimously voted 4-0.

#### **Director's Report**

Mr. Sadwick stated that comments on the Merrimack Valley Liability Project are due on October 9<sup>th</sup>. This is for the draft ENF.

#### **Adjournment**

**MOTION** - Mrs. Reed made a motion to adjourn the meeting at 8:30 PM. The motion was seconded by Mr. Fowler and unanimously voted 4-0.

***Approved on: 12/7/15***

*List of documents for 9/14/15 Agenda*

*Documents can be located at the Community Development Office*

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|-----------|-------------|---|
| <b>A.</b> | <b>7:00</b> | Approval of Minutes – August 3, 2015  |
| <b>B.</b> | <b>7:00</b> | Committee Reports/Administrative Actions  |
|           |             | 1- Committee Reports  |
|           |             | 2- Frasier Lane Land Disturbance Permit Exemption Request   |
|           |             | <ul style="list-style-type: none"><li>• Memo 9/10/15 from Civil Design.</li><li>• Copy of Stormwater Management &amp; Erosion Control, General Bylaws – Section 19.043 – Page 8 and 9.</li><li>• Memo 8/26/15 from Steve Sadwick.</li></ul> |

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- *Memo received 8/28/15 fr residents of Trull Road*

### 3- 1624 Main Street, Heatherwood - As Built/Bond Release

- *Letter 8/26/15 fr Weston Sampson.*
- *Letter 7/15/15 fr Robert McSorley.*
- *Utility As-Built Plan of Heatherwood prepared by; Sebago Technics; prepared for Colson & Colson General Contractor; dated 1/7/15.*

### 4- 500 Woburn Street – Bond Release

- *Letter received 8/14/15 from Robert Gill including photos.*
- *Copies of PB 9/12/11 minutes.*

### 5- Crystal Circle – Street Acceptance/As Built

- *Letter 8/24/15 fr Woodland Design including:*
- *Legal Description,*
- *Street Acceptance Plan dated 1/20/15 revised 8/21/15*
- *As Built Plan dated 10/17/14 revised 2/19/15*

**C. 7:10**

30 Henry J. Drive, John Hunt for Paul and Susan Tucceri  
Family Suite Special Permit

- *Application packet dated 8/14/15.*
- *Memo fr Board of Health dated 8/18/15.*

**D. 7:15**

Zoning Amendment Public Hearing for October 8, 2015 Special  
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- *Article – Section 3110 – Westside Neighborhood Business District.*

**E. 7:20**

967-969 Main Street, Chester Briggs, Trustee and Joel Deputat  
For The Ford Realty Trust, Chester Briggs, Tr  
Continued Site Plan Special Permit, Town Center Overlay District

- *Email 9/14/15 fr Town Engineer*
- *Letter 9/14/15 fr Cornerstone Land Consultants, Inc.*
- *Landscape Plan prepared by Lorayne Black; dated 9/9/15.*
- *Site Plan, prepared by Cornerstone; TCOD Special Permit dated 4/20/15 revised 9/14/15.*

## Old Business

Wamesit Indian Park Discussion

## New Business

841 Main Street Density Reduction Request

- *Letter 9/9/15 fr Richard Cuoco*